THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRP No.3798 of 2010

ORDER:

This revision is filed challenging the order dated 20.07.2010 passed in I.A.No.111 of 2010 in O.S.No.559 of 2007 on the file of the Court of Principal Junior Civil Judge, Kothagudem (for short, trial Court).

2. The revision petitioner is the plaintiff in O.S.No.559 of 2007. He filed I.A.No.111 of 2010 seeking a direction against the Tahsildar, Ashwapuram of Khammam District for production of original documents containing the thumb impression of Romala Kanakamma, who executed a sale deed in favour of the plaintiff. Romala Kanakamma is the grandmother of the defendants. She was a pensioner and her signatures were available with the Revenue Department. The plaintiff had filed I.A.No.111 of 2010 to call for the records from the Revenue Department, for sending for comparison of her admitted original signatures with the disputed signatures.

3. The trial Court, on consideration of the arguments of both sides, allowed the I.A.No.111 of 2010, directing the Tahsildar, Ashwapuram of Khammam District to send the documents to Court. Accordingly, the 1-A "Namuna Claims dakhaly chasa namuna" for Sy.No.197 of 2.32 gts, and old age pension form vide letter No.I/1891/81, dated 21.03.1981 are called for.

4. Aggrieved by the same, the respondent has preferred this revision.

5. During the arguments, learned counsel for the revision petitioner submitted that the admitted signatures can be sent to the expert only for comparison with the disputed signatures. In fact, the plaintiff filed the suit permanent injunction basing on the ale deed executed by late Romala Kanakamma. The plaintiff is claiming possession basing on the said sale deed. The defendants are disputing that the signatures on the sale deed, as forged signatures of their grandmother.

6. As a matter of fact, the Court is of the view that calling for the documents from the Revenue Department pertaining to the grandmother of the defendants is essential for comparison of her admitted signatures with the disputed signatures. The revision petitioner cannot object that the documents required for comparison cannot be called for from the Revenue Department.

7. On consideration of the arguments of both sides, I am of the considered view that calling for the documents pertaining to the grandmother of the defendants from the Revenue Department for comparison of her signatures with the disputed signatures is essential, as the plaintiff has based his case on the document of sale deed alleged to have been entered by the grandmother of the defendants. However, keeping in view the contention of the petitioner that the disputed signatures/thumb impressions can be compared only with admitted signatures. Unless the signatures are admitted to be the signatures of the grandmother of defendants, they cannot be said to be admitted signatures, and to prove that they are admitted signatures, the lower

Court can use the discretion in this regard for sending them to the expert for comparison.

8. In view of the foregoing reasons, the trial Court is directed to get the documents, which are called for from the Revenue Department, be marked, and they may be referred to the expert as admitted signatures for comparison with the disputed signatures.

9. In the result, the Civil Revision Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD,J

21st March, 2017
ssp